



SPECIAL SCHOOL DISTRICT NO. 1
An equal opportunity school district

BOARD OF EDUCATION

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MINNEAPOLIS PUBLIC SCHOOLS

807 Northeast Broadway
Minneapolis, Minnesota 55413-2398
(612) 668-0200 FAX: (612) 668-0195
TTY: (612) 668-0001

CAROL R. JOHNSON
Superintendent of Schools

RECEIVED

SEP 10 2001

FCC MAIL ROOM

September 7, 2001

Office of the Secretary
Federal Communications Commission
445-12th Street S.W.
Room TW-A325
Washington, D.C. 20554

In the Matter of: Request by Minneapolis Minnesota
Special School District No. 1 of Decision of
Universal Service Administrator

FCC Docket Nos. 97-21 and 96-45

Dear Secretary:

This is a letter of *Request for Review* regarding the Schools and Libraries Administrator's *Decision on Waiver Request*. In four letters dated August 13, 2001 to Daniel Cincoski, Minneapolis Public Schools Consultant, the Schools and Libraries Division denied the Minneapolis District's request to accept our application for E-rate funding. (See Exhibits Nos. 1, 2, 3 and 4) This letter is an appeal of the Administrator's Decision of the following applications submitted by the Minneapolis Public Schools.

# 246006	MPS-LSS-Y4	\$2,289,097.20
#225073	MPS-Voice-Y4	\$1,497,706.77
#257346	MPS-CELL-Y4	\$ 315,024.00
#258498	MPS-Cable-Y4	\$ 50,000.00

Total Funding \$4,151,827.97

This *Request for Review* is being filed with the Secretary consistent with the directions from the Schools and Libraries Division and with Federal Rules Section 54.710 et. Seq. The appeal of the Minneapolis Public Schools is based on the following.

No. of Copies rec'd 0
List A B C D E

Statement Setting Forth the Party's Interest in the Matter Present for Review:

The Minneapolis Public Schools is an agency that is eligible to receive funding through the E-Rate program. In fact, the District has received such funding for the past three years. The District applications for Year Four would provide \$4,151,827. Without the E-Rate revenue, the District will be unable to continue the development of its technology program and the students and staff of the District will be negatively impacted.

Statement of Relevant Material Facts

1. Adequate notice of the change in filing procedure was not provided. This is the fourth year of this federal program. In each of previous years, electronic application filing was permitted with hard copy filed at a later date. This decision seemed especially appropriate since the intent of the program is to enhance the use of technology. However, the administrative procedure regarding electronic filing was changed with Year 4 application. This was posted on the USAC Web Page on November 2, 2000. No written notification or e-mail communication was sent at that time.
2. When the District consulted with the SLD, erroneous information was provided. On January 12, 2001, Minneapolis Public Schools Consultant Mr. Daniel T. Cincoski, contacted the 800-203-8100 SLD Support Line regarding the deadlines and was informed that the signed documents did not have to be post marked by January 18, 2001 as long as the application was filed electronically by January 18, 2001. (See Exhibit No 5)
3. The District did meet the January 18, 2001 timeline by filing its Form 471 application with the SLD albeit this filing was done electronically. The District mailed the application that contained the signatures immediately after that date. This was consistent with the directions given to Mr. Cincoski just one week earlier by the federal office and was consistent with the process followed in the previous three years.
4. The SLD notification to the District that its applications were denied were not timely and as a result, denied the District an opportunity of immediate appeal or of taking other actions. The applications of the District were filed in January 2001. It was not until July 12, 2001 and July 24, 2001 that we were notified that our applications were rejected. (See Exhibit No 6)
5. The total revenue being applied for is \$4,151,827.97. This represents a significant portion of the District budget for improving our use of technology. This loss of

anticipated revenue will have a harmful impact on the students and staff of the District.

6. The budget of the District has been adopted under the logical assumption that our E-rate applications were again approved because our applications were consistent with those filed in the three previous years and Year Four funding was available for distribution. If our application would have been rejected on its merits, such a decision may be understood. However, that is clearly not the case. The Minneapolis Public Schools are being denied \$4,151,827.97 solely because our application was filed electronically rather than by mail when in fact we were following the directions of three previous years and when those very directions were again reiterated by the representative of the SLD Office just one week prior to the application submission date.

Question Presented for Review

The question involved in this matter is one of procedure not substance. No questions have been raised as to the quality of the District's proposal. The question presented on appeal is:

- A. Where the Minneapolis Public Schools filed timely applications electronically, whether it was reasonable and appropriate for the Schools and Libraries Division to reject those applications for funding of \$4,151,827.97 when the sole reason for that decision is that the District's paper application was submitted after the due date designated in the SLD rules.
- B. Where the Minneapolis Public Schools is in the fourth year of E-Rate funding, whether it is reasonable and appropriate to deny continuing E-Rate funding on the basis of an application filing that:
 1. Was not communicated directly to the Minneapolis Public Schools: and/or
 2. Was communicated inaccurately to the District officials.

Statement of Relief Sought

The Minneapolis Minnesota Special School District No. 1 requests that the Federal Communications Commission reverse the decision of the SLD and award the District its request of \$4,151,827.97.

Secretary, I am requesting you to review our appeal and reverse the decision so that the Minneapolis Public Schools can access the \$ revenue which we so desperately need to

Office of the Secretary
Federal Communications Commission
Page 4

enhance technology in our schools. Members of the Minneapolis staff and I would appreciate an opportunity to come to Washington to meet with you regarding this important matter. Your decision will have a significant impact on the students and staff of the Minneapolis District.

The contact person in the Minneapolis District regarding this matter is Mr. Dan Hambrock. His telephone number is 612-668-0284. His e-mail address is: dan.hambrock@mpls.k12.mn.us My number is 612-668-0196 and my e-mail is: mpssup@mpls.k12.mn.us

Again, thank you for your careful consideration of this important matter to the students and staff of the Minneapolis District.

Sincerely,



Carol R. Johnson
Superintendent of Schools

C Representative Martin Sabo
Senator Paul Wellstone
Senator Mark Dayton
Commissioner Christine Jax
Paul Erickson
Dan Hambrock
Allen Giles

USAC
UNIVERSAL SERVICE
ADMINISTRATIVE CO.

Box 125 - Correspondence Unit
100 South Jefferson Road
Whippany, New Jersey 07981

EXHIBIT NO. 1
SCHOOLS AND LIBRARIES DIVISION

Administrator's Decision on Waiver Request

August 13, 2001

Daniel Cincoski, RCDD, CDT
RE: Minneapolis Public School District #1
Armstrong Torseth Skold & Rydeen Inc
8501 Golden Valley Road, Suite 300
Minneapolis, MN 55427

RECEIVED

SEP 10 2001

FCC MAIL ROOM

Re: Your Request for Waiver of Application Window For Program Year 4 2001-2002

Application Number: 246006 *MPS-LSS-84*

Date Request Received: July 30, 2001

The Schools and Libraries Division received your request, cited above, for a waiver of the application window deadline for the Schools and Libraries Universal Service Support Mechanism (E-Rate).

The Federal Communications Commission (FCC) rules do not permit the Schools and Libraries Division (SLD) to consider your request. Therefore, your request for a waiver of the application window deadline may not be considered by SLD. If you wish to appeal this decision, you may submit an appeal to the FCC at the following address:

Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Room TW-A325
Washington, DC 20554

You must file an appeal with the FCC no later than 30 days from the date of this letter, in order for your appeal to be considered by the FCC.

Schools and Libraries Division
Universal Service Administrative Company



UNIVERSAL SERVICE
ADMINISTRATIVE CO.

Box 125 - Correspondence Unit
100 South Jefferson Road
Whippany, New Jersey 07981

EXHIBIT NO.2
SCHOOLS AND LIBRARIES DIVISION

Administrator's Decision on Waiver Request

August 13, 2001

Daniel Cincoski, RCDD, CDT
RE: Minneapolis Public School District #1
Armstrong Torseth Skold & Rydeen Inc
8501 Golden Valley Road, Suite 300
Minneapolis, MN 55427

Re: Your Request for Waiver of Application Window For Program Year 4 2001-2002

Application Number: 225073 *MPS - VOICE - 44*

Date Request Received: July 30, 2001

The Schools and Libraries Division received your request, cited above, for a waiver of the application window deadline for the Schools and Libraries Universal Service Support Mechanism (E-Rate).

The Federal Communications Commission (FCC) rules do not permit the Schools and Libraries Division (SLD) to consider your request. Therefore, your request for a waiver of the application window deadline may not be considered by SLD. If you wish to appeal this decision, you may submit an appeal to the FCC at the following address:

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Schools and Libraries Division
Universal Service Administrative Company

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ADMINISTRATIVE CO.

Box 125 - Correspondence Unit
100 South Jefferson Road
Whippany, New Jersey 07981

EXHIBIT NO. 3
SCHOOLS AND LIBRARIES DIVISION

Administrator's Decision on Waiver Request

August 13, 2001

Daniel Cincoski, RCDD, CDT
RE: Minneapolis Public School District #1
Armstrong Torseth Skold & Rydeen Inc
8501 Golden Valley Road, Suite 300
Minneapolis, MN 55427

Re: Your Request for Waiver of Application Window For Program Year 4 2001-2002


Application Number: 257346 *MPS-CELL-44*

Date Request Received: July 30, 2001

The Schools and Libraries Division received your request, cited above, for a waiver of the application window deadline for the Schools and Libraries Universal Service Support Mechanism (E-Rate).

The Federal Communications Commission (FCC) rules do not permit the Schools and Libraries Division (SLD) to consider your request. Therefore, your request for a waiver of the application window deadline may not be considered by SLD. If you wish to appeal this decision, you may submit an appeal to the FCC at the following address:

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445 12th Street, S.W.
Room TW-A325
Washington, DC 20554

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Schools and Libraries Division
Universal Service Administrative Company

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Whippany, New Jersey 07981

EXHIBIT NO. 6

SCHOOLS AND LIBRARIES DIVISION

Administrator's Decision on Waiver Request

August 13, 2001

Daniel Cincoski, RCDD, CDT
RE: Minneapolis Public School District #1
Armstrong Torseth Skold & Rydeen Inc
8501 Golden Valley Road, Suite 300
Minneapolis, MN 55427

Re: Your Request for Waiver of Application Window For Program Year 4 2001-2002

Application Number: 258498 *MPS CABLE 44*

Date Request Received: July 30, 2001

The Schools and Libraries Division received your request, cited above, for a waiver of the application window deadline for the Schools and Libraries Universal Service Support Mechanism (E-Rate).

The Federal Communications Commission (FCC) rules do not permit the Schools and Libraries Division (SLD) to consider your request. Therefore, your request for a waiver of the application window deadline may not be considered by SLD. If you wish to appeal this decision, you may submit an appeal to the FCC at the following address:

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Office of the Secretary
445 12th Street, S.W.
Room TW-A325
Washington, DC 20554

You must file an appeal with the FCC no later than 30 days from the date of this letter, in order for your appeal to be considered by the FCC.

Schools and Libraries Division
Universal Service Administrative Company

July 23, 2001

Schools and Libraries Division
Box 125-Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Re: Minneapolis Public School District 1, 471
Application: MPS-LSS-Y4
ATSA&R Project No. 97102.2
Letter of Appeal

RECEIVED
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FCC MAIL ROOM

To Whom It May Concern:

This is in response to the notification "YOUR FORM 471 HAS BEEN RECEIVED – BUT AFTER THE JANUARY 18 WINDOW CLOSED," dated July 12, 2001 regarding Minneapolis School District 1, 471, Application Number 246006 and Applicant Form Identifier: MPS-LSS-Y4.

This application was posted on the USAC web site January 18, 2001 as identified on the web site. We are requesting that this application be considered as not being late for the Year 4 funding period cutoff.

The majority of this application is for ongoing services that have been approved in previous funding years. Not receiving the funding on this, and other submitted applications will jeopardize the voice and data communications for the District.

In my periodic review of the web site, I did not read the November 2, 2000 posting, adding the requirement to have signature and support documents post marked as of the cutoff date of January 18 along with the electronic filing. I did read the reminder SLD sent out on January 12, 2001 summarizing the requirement. I called the SLD information number (888-203-8100) to ask about the rule change, and was told that we were not required to mail the signature and information support documents by the cut-off date and time. Therefore, I proceeded with submitting the electronic application and followed up with the paper document in the two weeks following the electronic submission.

Schools and Libraries Division

July 23, 2001

Page 2

We appreciate the steps taken by the FCC and USAC, SLD to improve the application process, and administration of the program. We have made every effort to comply with the requirements of the E-rate process, however, the extensive changes made each year by the USAC and FCC make it difficult to properly prepare and submit the applications.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel T. Cincoski". The signature is fluid and cursive, with the first name "Daniel" being more prominent and the last name "Cincoski" following in a similar style.

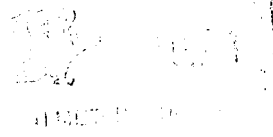
Daniel T. Cincoski, RCDD, CDT
Partner/Technology Design

DTC/jlt

cc: Charles Brutlag, MPS
Jerry Dalluge, MPS

USAC

Schools and Libraries Division
P.O. Box 7026
3833 Greenway Drive
Lawrence, KS 66044-7026



JERRY DALLUGE
MINNEAPOLIS SCHOOL DISTRICT 1
807 BROADWAY ST NE
MINNEAPOLIS, MN
55413-2332

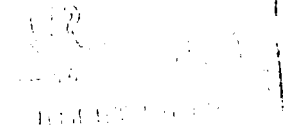
ATTENTION:
2000-2001 E-RATE APPLICANTS
Applicant Form Identifier: MPS-LSS-Y4

MAILING DATE:
July 24, 2001

55413-2332

USAC

Schools and Libraries Division
P.O. Box 7026
3833 Greenway Drive
Lawrence, KS 66044-7026



JERRY DALLUGE
MINNEAPOLIS SCHOOL DISTRICT 1
807 BROADWAY ST NE
MINNEAPOLIS, MN
55413-2332

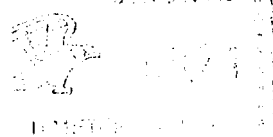
ATTENTION:
2000-2001 E-RATE APPLICANTS
Applicant Form Identifier: MPS-LSS-Y4

MAILING DATE:
JULY 12, 2001

55413-2332

USAC

Schools and Libraries Division
P.O. Box 7026
3833 Greenway Drive
Lawrence, KS 66044-7026



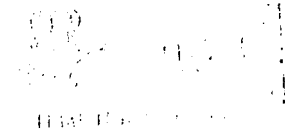
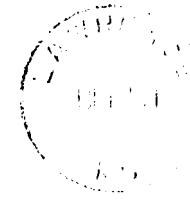
JERRY DALLUGE
MINNEAPOLIS SCHOOL DISTRICT 1
807 BROADWAY ST NE
MINNEAPOLIS, MN
55413

ATTENTION:
2000-2001 E-RATE APPLICANTS
Applicant Form Identifier: MPS CELL Y4

MAILING DATE:
July 24, 2001

USAC

Schools and Libraries Division
P.O. Box 7026
3833 Greenway Drive
Lawrence, KS 66044-7026



JERRY DALLUGE
MINNEAPOLIS SCHOOL DISTRICT 1
807 BROADWAY ST NE
MINNEAPOLIS, MN
55413

ATTENTION:
2000-2001 E-RATE APPLICANTS
Applicant Form Identifier: MPS CELL Y4

MAILING DATE:
JULY 12, 2001

EXHIBIT NO. 2

OUTSIDE OF WINDOW FUNDING AVAILABILITY

This card is your notification that your Form 471 application, Block 6 Certifications, and/or Item 21 attachments that were postmarked after the 2001-2002 filing window closed on January 18, 2001, will not be considered for discount funding for the 2001-2002 Funding Year. Sufficient funds are not available.

For more information about the processing of 2001-2002 applications, about appealing the status of your Form 471 application, or about plans for the 2002-2003 application process, please visit our web site at www.sl.universalservice.org. If you do not have access to the Internet, please call the Client Service Bureau at 1-888-203-8100.

Schools and Libraries Division
Universal Service Administrative Company

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Schools and Libraries Division
Universal Service Administrative Company

YOUR FORM 471 HAS BEEN RECEIVED - BUT AFTER THE JANUARY 18 WINDOW CLOSED

We're sending this card to thank you for your recent Form 471 application but to let you know that your application was received by the Schools and Libraries Division/USAC after the 2001-2002 filing window closed at 11:59 p.m. ET on January 18, 2001.

We are holding your application pending final processing of those applications which were received within the filing window. It has not yet been determined whether late-filed Form 471 applications will be considered for discount funding.

For more information about the processing of 2001-2002 applications, or about plans for the 2002-2003 application process, please visit our web site at www.sl.universalservice.org.

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